

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

December 12, 2003

Attendance:

Robert Clegg, Chairman, Department of Safety
Jerry Tepe, Board of Architects, licensed architect
James Petersen, PE, Board of Engineers, licensed mechanical engineer
George Maihos, NH Electricians Board, licenses master electrician
Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber
Bob Longchamps, NH Electrical Contractors Business Asso., licensed master electrician
Tyler Carlisle, Board of Engineers, licensed electrical engineer
John Tuttle, NH Home Builders Association, Architectural designer – residential
Kenneth Andrews, NH Building Officials Association, municipal building official
Wes Golomb, State energy conservation code office
Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design
Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business
Joel Fisher, Board of Engineers, licensed structural engineer

Excused:

Medard Kopczynski, NH Municipal Association

Absent:

Vacant Position, NH Association of Fire Chiefs, municipal fire chief
Bruce Phillips, NH Association of Fire Chiefs, municipal volunteer fire chief
Fred Baybutt, Associated General Contractors, building contractor – non-residential buildings

Guests:

Marta Modigliani, Attorney, Department of Safety, Office of the Commissioner
Robert Schaefer, David M. White Architect
Earl M. Sweeney, Assistant Commissioner, Department of Safety

With a quorum of the Board present, Chairman Clegg so declared and called the meeting to order at 10:05. Notice of the meeting was posted at the Department of Safety and State House, the State Fire Academy, the New Hampshire Rule Making Register and the Legislative Office Building a minimum of 2 weeks prior to scheduled meeting date.

PUBLIC HEARING:

Robert Schaefer spoke. He identified the concerns in the height and area limitations from an architects point of view. Chairman Clegg stated that any changes this Body makes will have to be ratified within 2 years by the Legislature. Bill Degnan spoke. Stated the concerns the Fire Marshal's office had, but that there were no objections.

Chairman Clegg closed the PUBLIC HEARING seeing as there was no one else to testify.

BOARD MEETING:

Jerry Tepe pointed out to the Board that Halvorsen Holdings sent in a letter supporting the changes recommended. He would like to urge the Board to enact this so it takes effect as soon as possible. It has the potential to have a large economic effect on the developing industry within the State. Ken Andrews made a **Motion** that the Board adopt the proposed modification to the State Building Code as **Exhibit 10** as replacement of tables within the Code. Tyler Carlisle **Seconded** the motion. Chairman Clegg reiterated that this Board has adopted 506.1, 506.2 and 506.3 and this would be adopting 506.4 in place of 503.3. Vote was taken. Vote was declared unanimous by the Chair.

Adoption of Minutes of November 14, 2003:

Jerry Tepe made the **Motion** to adopt the minutes as printed and sent to Board members. John Tuttle **Seconded** the motion. Chairman Clegg asked for any corrections, deletions, omissions, additions. There being none asked for the vote. Vote was unanimous and so declared them adopted.

NEW BUSINESS:

Vote to approve State Building Code Review Board Organizational Rule – Bcr 100:

Marta explained the Rules to the Board. Stated to the Board that the JLCAR had approved the Final Rules sent to them. The next step is to take adopt them. Ken Andrews and Jerry Tepe both stated the State's process is a bit confusing. And asked that when they were finally finalized that each Board member get a copy. Tedd Evans also asked if these Rules would be posted on the web-site. Chairman Clegg said they would be – and in addition, each Board member would get a hard copy. Tedd Evans made the **Motion** to approve the Bcr 100 Rules, and have Marta file with the JLCAR – (Joint Legislative Rules Committee), which they have accepted, and we have to approve their acceptance. Jerry Tepe **Seconded**. There being no further discussion, the Chair asked for a vote. Vote was unanimous and so declared.

Final proposed rules from Joint Legislative Committee on Admin Rules – preliminary objection to Bcr 200:

Marta explained that they ran into a slight problem. The issues that came up – were in the handout from Marta to the Board members. Marta explained that she added clarification to the proposal, and on page 9 “Decisions” (marked up version) Ken Andrews asked Marta that the first problem he should be marking in Part 214, we should hold firm on because it is statute (page 15 on marked up copy). Chairman Clegg explained that if the Rule goes into effect, one of two things can happen. One is they can do a joint resolution between the House and the Senate which, if passed, goes to Rules. Marta recommends that we respond to it, and if they still object, then address it by possibly deleting the section. Marta reported that most of the other changes were editorial. On page 12 of the marked up copy, Marta argued that it was better to have the procedure in place, should there ever be circumstances, because this Board does have the authority to hear appeals of any decisions made by the Fire Marshal's Office.

Mail/correspondence:

This section is just to let everyone know that we received correspondence from Halvorsen. The letter will be placed on file.

Email correspondence from David King – Ken Andrews and Mike Santa:

Mike Santa reported that he has a concern with what type of opinions we put out there. In trying to decide if we are to interpret a code or interpret the regulations of the State Building Code, I just wanted to make sure that we do not venture into areas where we are making Code Interpretations. Ken Andrews stated that there has been a lot of discussion ‘out there’ about what version of what code to mind. He wants to make sure he knows the feeling of the Board on these. Chairman Clegg said that he would have come back and told them, that if they are designing a building, they must follow the Town Codes. You must design by Code. Jerry Tepe said that Legislature adopted the 2000 Code and gave this Board the authority to ‘amend’ that Code. Does that include at some point in the future, going to a new Edition of the Code, or is that strictly a Legislative prerogative. Chairman Clegg states that it allows the Board to do what is needed. To ratify, the Board would need to go to Legislature. Tedd Evans wanted to know what, if any, procedure there might be, for this Board to review and recommend adoptions of a newer Code. John Tuttle asked that if we were to adopt the changes in the new 2003 Edition of the Code, could all the changes the Board had already voted on to accept and/or change be done all together. Chairman Clegg said yes they could be all done as one item.

Chairman Clegg wanted the Board to remember that 'we' can not adopt the Residential Code, 1 and 2 family are strictly a local issue.

Rick Swain asked if a sub-committee should be formed to go over the changes as the law mandates that we go over the Code? The law states 'NFPA building code and its companion manuals, and shall review any other building codes published in order to evaluate whether the State should continue with the International Building Code or switch to another code.' Chairman Clegg suggested that they be looked at individually.

Wes Golomb went over the handouts he gave all committee members on the NH Energy Code Proposed Rules. On Page 3 number 4: Interpretation was a big concern over this. He would like to have section 4 which is: **(4) The requirements for duct work insulation shall be modified to require a minimum insulation factor of R-3, pursuant to RSA 155-D:3, I(c).** removed. Wes Golomb made a **Motion** to waive the requirements and hold a Public Hearing on these suggested changes at the next meeting. Rick Swain **Seconded**. Jerry Tepe asked for a practical example. R-3 vs. R-4 or -5 which is in the Code. Ken Andrews said its easier to look at the marked up copy to see where the changes are. Wes Golomb will send both versions around again to all Board members. James Petersen asked what the motivation is to reduce the R-value. Vote was taken and was all affirmative, so declared by the Chair.

Tyler Carlisle made a **Motion** to respond to the objection by JLCAR. Ken Andrews **Seconded**. There being no further discussion vote was taken and declared in the affirmative.

There being no further business to be brought before this Board, the Chair accepted a **Motion** to adjourn from Tyler Carlisle, **Seconded** by Tedd Evans. Vote was affirmative and so declared.